

Executive Summary – Enforcement Matter – Case No. 40260

City of La Coste

RN101916617

Docket No. 2010-1373-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of La Coste WWTP, located at the easterly city limits of La Coste, approximately 0.5 mile east-southeast of the intersection of Farm-to-Market ("FM") Road 471 and FM 2790, and 0.30 mile due south of the Southern Pacific Railroad, Medina County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: November 25, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$28,860

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$1,214

Total Due to General Revenue: \$27,646

Payment Plan: 23 payments of \$1,202 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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RN101916617

Docket No. 2010-1373-MWD-E

Investigation Information

Complaint Date(s): April 27, 2010

Complaint Information: Alleged unauthorized discharges from the Facility.

Date(s) of Investigation: May 3, 2010, June 15, 2010, June 17, 2010, and August 11, 2010

Date(s) of NOE(s): August 4, 2010 and August 20, 2010

Violation Information

1. Failed to prevent the discharge and accumulation of sludge and contaminants in the receiving stream [TEX. WATER CODE § 26.121, 30 TEX. ADMIN. CODE § 305.125(1), (4) and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010889001, Effluent Limitations and Monitoring Requirements Nos. 1 and 4, Permit Conditions No. 2.d, and Operational Requirements No. 1].
2. Failed to prevent the unauthorized discharge of industrial wash water into or adjacent to water in the state [TEX. WATER CODE § 26.121, 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010889001, Permit Conditions No. 2.g.].
3. Failed to comply with permitted effluent limits for ammonia nitrogen, total suspended solids, and carbonaceous biochemical oxygen demand [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010889001, Effluent Limitations and Monitoring Requirements No. 1].
4. Failed to provide notification of a change in the volume or character of pollutants discharged into the wastewater treatment facility [30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010889001, Monitoring and Reporting Requirements No. 11(b)].
5. Failed to timely submit discharge monitoring reports ("DMRs") for the monitoring periods ending January 31, 2010 through May 31, 2010 [30 TEX. ADMIN. CODE §§ 305.125(17) and 319.1 and TPDES Permit No. WQ0010889001, Monitoring and Reporting Requirements No. 1].
6. Failed to employ or contract with a licensed operator [30 TEX. ADMIN. CODE §§ 305.125(1) and 30.350(d) and TPDES Permit No. WQ0010889001, Other Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:

- a. By June 19, 2010, repaired the aerator and completed cleanup of Polecat Creek;

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- b. On June 21, 2010, submitted the DMRs for the monitoring periods ending January 31, 2010 through May 31, 2010;
- c. By June 28, 2010, repaired the basin pump located in the roll off container wash down area;
- d. By June 29, 2010, had an additional operator at the Facility that holds a current and valid Class C license;
- e. By June 29, 2010, developed and implemented procedures to ensure that the operator at the Facility has a current and valid license;
- f. On July 7, 2010, conducted an engineering study of the Facility and the associated collection system to evaluate the cause of and necessary corrective actions designed to prevent Facility upsets, the discharge and accumulation of sludge and contaminants in the receiving stream, and effluent violations. As a result of the evaluation, the following corrective measures were implemented at the Facility:
 - i. Increased the monitoring frequency for dissolved oxygen, chlorine, and ammonia nitrogen;
 - ii. Began checking the sludge depth in the clarifier three times per day;
 - iii. Began conducting the sludge settling test five times per day;
 - iv. Implemented improved maintenance procedures for the aerators, including increased monitoring and cleaning frequency;
 - v. On July 12, 2010, adjusted the float levels for the lift station pumps in order to even out flows and reduce hydraulic loading spikes;
 - vi. On July 12, 2010, adjusted the rate of flow at the telescoping valve to the optimal level;
 - vii. On July 12, 2010, began conducting mixed liquor suspended solids test on-site to optimize the process; and
 - viii. Installed redundant aerators for cases where two aerators are necessary to achieve appropriate dissolved oxygen levels in the aeration basin.
- g. On July 8, 2010, conducted employee training to ensure the timely submittal of signed and certified monthly DMRs;

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h. On July 27, 2010, conducted a second engineering study of the Facility and the associated collection system to evaluate the cause of and necessary corrective actions designed to prevent Facility upsets, the discharge and accumulation of sludge and contaminants in the receiving stream, and effluent violations. As a result of the evaluation, the following corrective measures were implemented at the Facility:

i. On August 2, 2010, repaired and sealed a bent weir in the chlorine contact chamber and implemented automatic chlorine injection;

ii. On August 23, 2010, ceased chlorine injection at the lift station and repaired the broken piping supports;

iii. On August 24, 2010, cleaned the bar screen and implemented improved cleaning procedures of the bar screens; and

iv. On August 30, 2010, implemented a schedule for routine cleaning of the aeration basin walls.

i. On August 9, 2010, ensured that the expired Category C license of the operator was renewed;

j. On September 30, 2010, returned to compliance with the permitted effluent limits; and

k. On August 17, 2011, removed and properly disposed of all discharged waste from the abandoned holding pond at an authorized facility.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Submit notification of the volume and character of the pollutants entering the wastewater treatment facility; and

ii. Update the Facility's operational guidance and conduct employee training to ensure that adequate notification of a change in the volume or character of pollutants discharged into the wastewater treatment facility is provided.

b. Within 45 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

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City of La Coste

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SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Samuel Short, Enforcement Division,
Enforcement Team 3, MC 149, (512) 239-5363; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: The Honorable Andy Keller, Mayor, City of La Coste, P.O. Box 112, La
Coste, Texas 78039

George Salzman, City Administrator, City of La Coste, P.O. Box 112, La Coste, Texas
78039

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES

Assigned

9-Aug-2010

PCW

12-Sep-2011

Screening

30-Aug-2010

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent City of La Coste

Reg. Ent. Ref. No. RN101916617

Facility/Site Region 13-San Antonio

Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 40260

Docket No. 2010-1373-MWD-E

Media Program(s) Water Quality

Multi-Media

No. of Violations 6

Order Type Findings

Government/Non-Profit Yes

Enf. Coordinator Samuel Short

EC's Team Enforcement Team 3

Admin. Penalty \$ Limit Minimum

\$0

Maximum

\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1

\$15,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

97.0%

Enhancement

Subtotals 2, 3, & 7

\$15,035

Notes

Enhancement for eight months of self-reported effluent violations, one NOV for the same/similar violations, one NOV for dissimilar violations, and two Agreed Orders without denial of liability.

Culpability

No

0.0%

Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments

Subtotal 5

\$1,675

Economic Benefit

0.0% Enhancement*

Subtotal 6

\$0

Total EB Amounts \$1,020

Approx. Cost of Compliance \$47,350

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal

\$28,860

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

\$28,860

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$28,860

DEFERRAL

0.0%

Reduction

Adjustment

\$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

\$28,860

Screening Date 30-Aug-2010

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PCW

Respondent City of La Coste

Policy Revision 2 (September 2002)

Case ID No. 40260

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101916617

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	9	45%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 97%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for eight months of self-reported effluent violations, one NOV for the same/similar violations, one NOV for dissimilar violations, and two Agreed Orders without denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 97%

Screening Date 30-Aug-2010 Respondent City of La Coste Case ID No. 40260 Reg. Ent. Reference No. RN101916617 Media [Statute] Water Quality Enf. Coordinator Samuel Short Violation Number 1	Docket No. 2010-1373-MWD-E	PCW <small>Policy Revision 2 (September 2002) PCW Revision October 30, 2005</small>
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Rule Cite(s)	Tex. Water Code § 26.121, 30 Tex. Admin. Code § 305.125(1), (4) and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010889001, Effluent Limitations and Monitoring Requirements Nos. 1 and 4, Permit Conditions No. 2.d, and Operational Requirements No. 1
Violation Description	Failed to prevent the discharge and accumulation of sludge and contaminants in the receiving stream. Specifically, on May 3, 2010, the investigator documented that the Facility was experiencing an upset due to waste being received from a Type V Grease/Grit processing plant, that the final discharge was gray in color, and that the receiving stream, Polecat Creek, was black in color with sludge deposits and floating mats of sludge. Grab samples taken at the outfall indicated elevated levels of carbonaceous biochemical oxygen demand ("CBOD"), total suspended solids ("TSS"), and Escherichia coli ("E.coli") as shown in Table No. 1 (attached). On June 15, 2010, the investigator documented that one of the aerators was inoperable causing an upset that resulted in sludge from the final clarifier to overflow from the weirs and discharge into the chlorine contact chamber. A significant portion of the Facility discharge was being pumped to an abandoned earthen holding pond located on the property. The discharge to Polecat Creek was black in color, and sludge was covering the substrate of Polecat Creek and was attaching to the banks. Grab samples taken on June 15, 2010 and June 17, 2010 at the outfall and in Polecat Creek indicated elevated levels of CBOD, TSS, and E.coli as shown in Table No. 1.

Base Penalty	\$10,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	X			
	Potential				Percent 50%

>> Programmatic Matrix

	Falsification				
	Major	Moderate	Minor		
					Percent 0%

Matrix Notes	Human health or the environment has been exposed to significant amounts of pollutants which exceed levels that are protective of human health or environmental receptors as a result of this violation.
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Adjustment	\$5,000
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Violation Events	\$5,000
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Number of Violation Events 2	Number of violation days 47
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mark only one with an x	daily		
	weekly		
	monthly	X	
	quarterly		
	semiannual		
	annual		
	single event		

Violation Base Penalty	\$10,000
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Two monthly events are recommended from the May 3, 2010 investigation date to the date the cleanup was complete, June 19, 2010.

Good Faith Efforts to Comply

	10.0% Reduction	\$1,000
	Before NOV NOV to EDPRP/Settlement Offer	
Extraordinary		
Ordinary	X	
N/A	(mark with x)	
Notes	The Respondent returned to compliance on August 30, 2010.	

Violation Subtotal	\$9,000
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Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$581	Violation Final Penalty Total \$18,700
This violation Final Assessed Penalty (adjusted for limits) \$18,700	

Economic Benefit Worksheet

Respondent City of La Coste
Case ID No. 40260
Reg. Ent. Reference No. RN101916617
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$1,000	15-Jun-2010	19-Jun-2010	0.01	\$0	\$1	\$1
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$1,500	3-May-2010	19-Jun-2010	0.13	\$10	n/a	\$10
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$35,000	3-May-2010	30-Aug-2010	0.33	\$571	n/a	\$571

Notes for DELAYED costs

Estimated cost to repair the broken aerator. Date required is the date the discharge occurred due to a broken aerator and the final date is the date of compliance. Estimated cost to clean up Polecat Creek. Date required is the date the first discharge occurred and the final date is the date the cleanup was complete. Estimated cost to conduct two engineering evaluations of the Facility and the associated collection system to evaluate the cause of and necessary corrective actions designed to prevent Facility upsets, the discharge and accumulation of sludge and contaminants in the receiving stream, and effluent violations, and the cost to implement the recommended corrective actions including implementing improved monitoring and operating procedures, adding redundant aerators, repairing broken piping supports in the on-site lift station, and repairing the bent weir in the chlorine contact chamber. Date required is the investigation date and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$37,500	TOTAL	\$581
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Screening Date 30-Aug-2010
Respondent City of La Coste
Case ID No. 40260
Reg. Ent. Reference No. RN101916617
Media [Statute] Water Quality
Enf. Coordinator Samuel Short

Docket No. 2010-1373-MWD-E

PCW

Policy Revision 2 (September 2002)
PCW Revision October 30, 2008

Violation Number 2

Rule Cite(s) Tex. Water Code § 26.121, 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010889001, Permit Conditions No. 2.g

Violation Description

Failed to prevent the unauthorized discharge of industrial wash water into or adjacent to water in the state. Specifically, on June 17, 2010 the investigator documented that wash water from the roll off container wash down area was discharged into an abandoned effluent holding pond.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

74 **Number of violation days**

mark only one
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended from the June 17, 2010 investigation date to the date of screening, August 30, 2010.

Good Faith Efforts to Comply

10.0% Reduction

\$100

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes

The Respondent returned to compliance on August 17, 2011.

Violation Subtotal \$900

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$297

Violation Final Penalty Total \$1,870

This violation Final Assessed Penalty (adjusted for limits) \$1,870

Economic Benefit Worksheet

Respondent City of La Costa
Case ID No. 40260
Reg. Ent. Reference No. RN101916617
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$2,500	17-Jun-2010	28-Jun-2010	0.03	\$0	\$5	\$5
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$5,000	17-Jun-2010	17-Aug-2011	1.17	\$292	n/a	\$292
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to repair the basin pump located in the roll off container wash down area to prevent the discharge of wash water into the abandoned effluent holding pond. Date required is the date of the investigation that the violation was documented and the final date is the date the basin pump was repaired. Estimated cost to remove and properly dispose of all discharged waste from the abandoned holding pond. Date required is the date of the investigation that the violation was documented and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$7,500

TOTAL

\$297

Screening Date 30-Aug-2010

Docket No. 2010-1373-MWD-E

PCW

Respondent City of La Coste

Policy Revision 2 (September 2002)

Case ID No. 40260

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101916617

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Violation Number 3

Rule Cite(s)

Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010889001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on August 11, 2010 and shown in Table No. 2 (attached).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

A simplified model was used to evaluate CBOD and ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. TSS were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

123 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$200

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes

The Respondent returned to compliance on September 30, 2010.

Violation Subtotal \$1,800

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$3,740

This violation Final Assessed Penalty (adjusted for limits) \$3,740

Economic Benefit Worksheet

Respondent City of La Costa
Case ID No. 40260
Reg. Ent. Reference No. RN101916617
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct two engineering evaluations of the Facility and the associated collection system to evaluate the cause of and necessary corrective actions designed to prevent effluent violations and the cost to implement the recommended corrective actions are included in violation no. 1.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 30-Aug-2010

Docket No. 2010-1373-MWD-E

PCW

Respondent City of La Coste

Policy Revision 2 (September 2002)

Case ID No. 40260

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101916617

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010889001,
Monitoring and Reporting Requirements No. 11(b)

Violation Description

Failed to provide notification of a change in the volume or character of pollutants discharged into the wastewater treatment facility. Specifically, the Respondent did not provide notification that a Type V Grease/Grit Processing plant was discharging industrial wastes to the wastewater treatment facility.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 10%

Matrix
Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

108 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV		NOV to EDPRP/Settlement Offer
	Extraordinary	Ordinary	
N/A	x		(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$127

Violation Final Penalty Total \$1,970

This violation Final Assessed Penalty (adjusted for limits) \$1,970

Economic Benefit Worksheet

Respondent City of La Coste
Case ID No. 40260
Reg. Ent. Reference No. RN101916617
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$1,000	3-May-2010	12-Jan-2012	1.70	\$85	n/a	\$85
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	3-May-2010	12-Jan-2012	1.70	\$42	n/a	\$42

Notes for DELAYED costs

Estimated cost to submit notification of the volume and character of the pollutants entering the wastewater treatment facility. Date required is the investigation date and the final date is the estimated date of compliance. Estimated cost to update the Facility's operational guidance and conduct employee training to ensure that adequate notification of a change in the volume or character of pollutants discharged into the wastewater treatment facility is provided. Date required is the investigation date and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$127

Screening Date 30-Aug-2010

Docket No. 2010-1373-MWD-E

PCW

Respondent City of La Coste

Policy Revision 2 (September 2002)

Case ID No. 40260

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101916617

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(17) and 319.1 and TPDES Permit No. WQ0010889001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit discharge monitoring reports ("DMRs") for the monitoring periods ending January 31, 2010 through May 31, 2010. Specifically, the DMRs were due by the 20th day of the following month and were not submitted until June, 21, 2010.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 5

180 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

Five single events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$125

Extraordinary

Ordinary

N/A

Before NOV NOV to EDPRP/Settlement Offer

x

(mark with x)

Notes The Respondent returned to compliance on July 8, 2010.

Violation Subtotal \$375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$860

This violation Final Assessed Penalty (adjusted for limits) \$860

Economic Benefit Worksheet

Respondent City of La Coste
Case ID No. 40260
Reg. Ent. Reference No. RN101916617
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$250	20-Feb-2010	21-Jun-2010	0.33	\$4	n/a	\$4
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	20-Feb-2010	8-Jul-2010	0.38	\$9	n/a	\$9

Notes for DELAYED costs

The estimated cost to submit the DMRs (\$50 per report) for the monitoring periods ending January 31, 2010 through May 31, 2010. Date required is the date the first report was due and the final date is the date of compliance. The estimated cost to update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified monthly DMRs. Date required is the date the first report was due and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$750

TOTAL

\$14

Screening Date 30-Aug-2010
Respondent City of La Coste
Case ID No. 40260
Reg. Ent. Reference No. RN101916617
Media [Statute] Water Quality
Enf. Coordinator Samuel Short
Violation Number 6

Docket No. 2010-1373-MWD-E

PCW

Policy Revision 2 (September 2002)
PCW Revision October 30, 2008

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 30.350(d) and TPDES Permit No. WQ0010889001, Other Requirements No. 1

Violation Description Failed to employ or contract with a licensed operator. Specifically, the permit requires the Facility to have an operator holding a Category C license or higher, and at the time of the investigations, the operator held an expired Category C license.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Harm Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix
Notes

Operating the Facility without an operator with the appropriate license may not allow for the proper maintenance and operation of the Facility's equipment and personnel may not be properly trained to address needs of the Facility. As a result, human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed protective levels.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

57 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended from the May 3, 2010 investigation date to the compliance date, June 29, 2010.

Good Faith Efforts to Comply

25.0% Reduction

\$250

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent returned to compliance on June 29, 2010.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$1,720

This violation Final Assessed Penalty (adjusted for limits) \$1,720

Economic Benefit Worksheet

Respondent City of La Coste
Case ID No. 40260
Reg. Ent. Reference No. RN101916617
Media Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	3-May-2010	29-Jun-2010	0.16	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to develop and implement procedures to ensure that the operator at the Facility has a current and valid license. Date required is the investigation date and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$1

Table No. 1
City of La Coste
Docket No. 2010-1373-MWD-E

Parameter	Investigation Date					
	May 3, 2010		June 15, 2010		June 17, 2010	
	Polecat Creek at County Road 584	Outfall 001	Polecat Creek at County Road 584	Outfall 001	Polecat Creek at County Road 584	Outfall 001
CBOD	8 mg/L	45 mg/L	245 mg/L	<600 mg/L	92 mg/L	>228 mg/L
TSS	49 mg/L	200 mg/L	160 mg/L	280 mg/L	19 mg/L	97 mg/L
E.coli	820 cfu/100 ml	3,100 cfu/100 ml	3,600 cfu/100 ml	6,600 cfu/100 ml	1,800 cfu/100 ml	100 cfu/100 ml

Name	Abbreviation
milligrams per liter	mg/L
Colony forming units per 100 milliliters	CFU/100 ml
total suspended solids	TSS
carbonaceous biochemical oxygen demand	CBOD
Escherichia coli	E.coli

Effluent Limit Violation Table 2

03/08 Rev.

Respondent City of La Coste

ID Number(s) TPDES Permit No. WQ0010889001; Case No. 40260

Docket Number 2010-1373-MWD-E

Enf. Coordinator Samuel Short

Corresponds to Violation Number:

3

EFFLUENT PARAMETER

Permit Limit

	CBOD Daily Average Concentration	CBOD Single Grab Maximum Concentration	Ammonia Nitrogen Daily Average Concentration	Ammonia Nitrogen Single Grab Maximum Concentration	TSS Daily Average Concentration								
Month/Year	10 mg/L	35 mg/L	3 mg/L	15 mg/L	15 mg/L								
7/31/2009	c	c	c	c	17								
8/31/2009	17	37	c	c	19.8								
9/30/2009	c	c	4.6	16	c								
1/31/2010	15	c	c	c	c								

Name

milligrams per liter

total suspended solids

carbonaceous biochemical oxygen demand

Abbreviation

mg/L

TSS

CBOD

Compliance History Report

Customer/Respondent/Owner-Operator: CN600655179 City of La Coste Classification: AVERAGE Rating: 2.49
Regulated Entity: RN101916617 CITY OF LA COSTE Classification: AVERAGE Site Rating: 4.46
ID Number(s): WASTEWATER PERMIT WQ0010889001
WASTEWATER EPA ID TX0107743
Location: LOCATED AT THE EASTERLY CITY LIMITS OF THE CITY OF LA COSTE, APPROXIMATELY 0.5 MILE EAST-SOUTHEAST OF THE INTERSECTION OF FARM-TO-MARKET ROAD 471 AND FARM-TO-MARKET ROAD 2790, 0.30 MILE DUE SOUTH OF THE SOUTHERN PACIFIC RAILROAD, MEDINA COUNTY, TEXAS
TCEQ Region: REGION 13 - SAN ANTONIO
Date Compliance History Prepared: August 17, 2010
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: August 17, 2005 to August 17, 2010

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Samuel Short Phone: (512) 239-5363

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 04/14/2008 ADMINORDER 2005-0264-MWD-E

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits & Monitor Requirements 1 PERMIT

Description: Failed to comply with the permitted effluent limit for ammonia nitrogen at Outfall 001, which resulted in a fish kill on Polecat Creek in the San Antonio River Basin.

Classification: Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(c)

Description: Failure to obtain Commission authorization prior to discharging industrial waste into or adjacent to the waters of the state.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limit. & Monitor. Require. 6 PERMIT

Description: Failed to comply with the permitted effluent limits for dissolved oxygen at Outfall 001 during March 2004.

Effective Date: 07/11/2010

ADMINORDER 2010-0038-MWD-E

Classification: Major

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(4)

30 TAC Chapter 305, SubChapter F 305.125(5)

TWC Chapter 26 26.121

Rqmt Prov: Operational requirements No. 1 PERMIT

Permit Conditions 2d PERMIT

Description: Failed to prevent the discharge and accumulation of sludge in the receiving stream.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)

Rqmt Prov: monitoring and reporting no. 7.a PERMIT

Description: Failed to notify the TCEQ of a noncompliance orally within 24 hours of becoming aware of the noncompliance and to provide a complete written report of the noncompliance within five days.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	08/25/2005	(446788)
2	09/22/2005	(446789)
3	10/19/2005	(490536)
4	12/07/2005	(490537)
5	12/30/2005	(490538)
6	03/08/2006	(490535)
7	03/08/2006	(490539)
8	05/23/2006	(505370)
9	05/23/2006	(505371)
10	05/23/2006	(505372)
11	05/25/2006	(461803)
12	07/03/2006	(527658)
13	08/29/2006	(527659)
14	10/11/2006	(551321)
15	10/11/2006	(551322)
16	10/20/2006	(551323)
17	12/18/2006	(551324)
18	01/18/2007	(588057)
19	01/22/2007	(588058)
20	03/07/2007	(588053)
21	04/09/2007	(588054)
22	04/27/2007	(588055)
23	05/31/2007	(561717)
24	06/11/2007	(588056)
25	07/31/2007	(605314)
26	08/07/2007	(605313)
27	09/04/2007	(605315)
28	10/02/2007	(629179)
29	10/22/2007	(629180)
30	11/20/2007	(629181)
31	12/27/2007	(629182)
32	01/24/2008	(676628)
33	02/15/2008	(612313)
34	02/25/2008	(676627)
35	03/25/2008	(695166)
36	06/20/2008	(716669)
37	06/24/2008	(716670)
38	08/05/2008	(716671)
39	08/29/2008	(716672)
40	09/22/2008	(716673)
41	09/30/2008	(732114)
42	10/23/2008	(732115)
43	12/01/2008	(732116)

44 01/12/2009 (755460)
 45 03/13/2009 (738255)
 46 04/01/2009 (755459)
 47 04/01/2009 (755461)
 48 06/01/2009 (817646)
 49 06/16/2009 (742157)
 50 08/31/2009 (817649)
 51 11/09/2009 (817650)
 52 11/09/2009 (817651)
 53 11/18/2009 (817648)
 54 12/02/2009 (817652)
 55 12/07/2009 (776994)
 56 01/15/2010 (817653)
 57 01/22/2010 (817647)
 58 01/22/2010 (817654)
 59 08/03/2010 (827603)
 60 08/16/2010 (830322)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 12/31/2005 (490539) CN600655179
 Self YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/25/2006 (461803) CN600655179
 Self NO Classification: Minor
 Citation: 30 TAC Chapter 317 317.4(a)(8)
 Description: Failure to conduct the annual calibration on the potable water backflow prevention device.
 Self NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)(B)
 Description: Failure to submit the 2005 annual sludge report.
 Date: 11/30/2006 (588057) CN600655179
 Self YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/31/2007 (588055) CN600655179
 Self YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 06/12/2009 (742157) CN600655179
 Self NO Classification: Minor
 Citation: 30 TAC Chapter 317 317.4(a)(8)
 Description: Failure to conduct the annual testing on the RPZ backflow preventer on the potable water supply line to the plant.
 Date: 07/31/2009 (817649) CN600655179
 Self YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/31/2009 (817650) CN600655179
 Self YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 09/30/2009 (817651) CN600655179
 Self YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/31/2010 CN600655179

Self YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date: 05/31/2010 CN600655179
Self YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF LA COSTE
RN101916617**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2010-1373-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of La Coste ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located at the easterly city limits of La Coste, approximately 0.5 mile east-southeast of the intersection of Farm-to-Market Road 471 and Farm-to-Market Road 2790, and 0.30 mile due south of the Southern Pacific Railroad in Medina County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During investigations on May 3, 2010, June 15, 2010, and June 17, 2010, TCEQ staff documented discharges of sludge and contaminants into the receiving stream. Specifically, on May 3, 2010, the Facility was experiencing an upset due to waste being received from a Type V Grease/Grit processing plant, the final discharge was gray in color, and the receiving stream, Polecat Creek, was black in color with sludge deposits and floating mats of sludge. Grab samples taken at the outfall indicated elevated levels of carbonaceous biochemical oxygen demand ("CBOD"), total suspended solids ("TSS"), and Escherichia coli ("E.coli") as shown below. On June 15, 2010, one of the aerators was inoperable causing an upset that resulted in sludge from the final clarifier to overflow from the weirs and discharge into the chlorine contact chamber. A significant portion of the Facility discharge was being pumped to an abandoned earthen holding pond located on the property. The discharge to Polecat Creek was black in color, sludge was covering the substrate of Polecat Creek and was attaching to the banks. Grab samples taken June 15, 2010 and June 17, 2010 at the outfall and in Polecat Creek indicated elevated levels of CBOD, TSS, and E.coli as shown below.

Parameter	Investigation Date					
	May 3, 2010		June 15, 2010		June 17, 2010	
	Polecat Creek at County Road 584	Outfall 001	Polecat Creek at County Road 584	Outfall 001	Polecat Creek at County Road 584	Outfall 001
CBOD	8 mg/L	45 mg/L	245 mg/L	<600 mg/L	92 mg/L	>228 mg/L
TSS	49 mg/L	200 mg/L	160 mg/L	280 mg/L	19 mg/L	97 mg/L
E.coli	820 cfu/100 ml	3,100 cfu/100 ml	3,600 cfu/100 ml	6,600 cfu/100 ml	1,800 cfu/100 ml	100 cfu/100 ml

Name	Abbreviation
milligrams per liter	mg/L
Colony forming units per 100 milliliters	CFU/100 ml

4. During an investigation conducted on June 17, 2010, TCEQ staff documented that wash water from the roll off container wash down area was discharged into an abandoned effluent holding pond.
5. During a record review conducted on August 11, 2010, TCEQ staff documented the following effluent values based on the self-reported discharge monitoring reports ("DMR").

<i>EFFLUENT PARAMETER</i>					
<i>Permit Limit</i>					
	CBOD Daily Average Concentration	CBOD Single Grab Maximum Concentration	Ammonia Nitrogen Daily Average Concentration	Ammonia Nitrogen Single Grab Maximum Concentration	TSS Daily Average Concentration
<i>Month/Year</i>	10 mg/L	35 mg/L	3 mg/L	15 mg/L	15 mg/L
7/31/2009	c	c	c	c	17
8/31/2009	17	37	c	c	19.8
9/30/2009	c	c	4.6	16	c
1/31/2010	15	c	c	c	c

6. During an investigation conducted on May 3, 2010, TCEQ staff documented that the Respondent did not provide notification that a Type V Grease/Grit Processing plant was discharging industrial wastes to the wastewater treatment facility.
7. During an investigation conducted on May 3, 2010, TCEQ staff documented that the DMRs for the monitoring periods ending January 31, 2010 through May 31, 2010 were due by the 20th day of the following month and were not submitted until June, 21, 2010.
8. During an investigation conducted on May 3, 2010, TCEQ staff documented that the operator held an expired Category C license and the permit requires the Facility have an operator holding a Category C license or higher.
9. The Respondent received notices of the violations on August 9, 2010 and August 25, 2010.
10. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By June 19, 2010, repaired the aerator and completed cleanup of Polecat Creek;
 - b. On June 21, 2010, submitted the DMRs for the monitoring periods ending January 31, 2010 through May 31, 2010;
 - c. By June 28, 2010, repaired the basin pump located in the roll off container wash down area;
 - d. By June 29, 2010, had an additional operator at the Facility that holds a current and valid Class C license;
 - e. By June 29, 2010, developed and implemented procedures to ensure that the operator at the Facility has a current and valid license;

- f. On July 7, 2010, conducted an engineering study of the Facility and the associated collection system to evaluate the cause of and necessary corrective actions designed to prevent Facility upsets, the discharge and accumulation of sludge and contaminants in the receiving stream, and effluent violations. As a result of the evaluation, the following corrective measures were implemented at the Facility:
 - i. Increased the monitoring frequency for dissolved oxygen, chlorine, and ammonia nitrogen;
 - ii. Began checking the sludge depth in the clarifier three times per day;
 - iii. Began conducting the sludge settling test five times per day;
 - iv. Implemented improved maintenance procedures for the aerators, including increased monitoring and cleaning frequency;
 - v. On July 12, 2010, adjusted the float levels for the lift station pumps in order to even out flows and reduce hydraulic loading spikes;
 - vi. On July 12, 2010, adjusted the rate of flow at the telescoping valve to the optimal level;
 - vii. On July 12, 2010, began conducting mixed liquor suspended solids test on-site to optimize the process; and
 - viii. Installed redundant aerators for cases where two aerators are necessary to achieve appropriate dissolved oxygen levels in the aeration basin.
- g. On July 8, 2010, conducted employee training to ensure the timely submittal of signed and certified monthly DMRs;
- h. On July 27, 2010, conducted a second engineering study of the Facility and the associated collection system to evaluate the cause of and necessary corrective actions designed to prevent Facility upsets, the discharge and accumulation of sludge and contaminants in the receiving stream, and effluent violations. As a result of the evaluation, the following corrective measures were implemented at the Facility:
 - i. On August 2, 2010, repaired and sealed a bent weir in the chlorine contact chamber and implemented automatic chlorine injection;
 - ii. On August 23, 2010, ceased chlorine injection at the lift station and repaired the broken piping supports;
 - iii. On August 24, 2010, cleaned the bar screen and implemented improved cleaning procedures of the bar screens; and

- iv. On August 30, 2010, implemented a schedule for routine cleaning of the aeration basin walls.
- i. On August 9, 2010, ensured that the expired Category C license of the operator was renewed;
- j. On September 30, 2010, returned to compliance with the permitted effluent limits; and
- k. On August 17, 2011, removed and properly disposed of all discharged waste from the abandoned holding pond at an authorized facility.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent the discharge and accumulation of sludge and contaminants in the receiving stream, in violation of TEX. WATER CODE § 26.121, 30 TEX. ADMIN. CODE § 305.125(1), (4) and (5), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010889001, Effluent Limitations and Monitoring Requirements Nos. 1 and 4, Permit Conditions No. 2.d, and Operational Requirements No. 1.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent the unauthorized discharge of industrial wash water into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121, 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010889001, Permit Conditions No. 2.g.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010889001, Effluent Limitations and Monitoring Requirements No. 1.
5. As evidenced by Findings of Fact No. 6, the Respondent failed to provide notification of a change in the volume or character of pollutants discharged into the wastewater treatment facility, in violation of 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010889001, Monitoring and Reporting Requirements No. 11(b).
6. As evidenced by Findings of Fact No. 7, the Respondent failed to timely submit DMRs for the monitoring periods ending January 31, 2010 through May 31, 2010, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.1 and TPDES Permit No. WQ0010889001, Monitoring and Reporting Requirements No. 1.

7. As evidenced by Findings of Fact No. 8, the Respondent failed to employ or contract with a licensed operator, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 30.350(d) and TPDES Permit No. WQ0010889001, Other Requirements No. 1.
8. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
9. An administrative penalty in the amount of Twenty-Eight Thousand Eight Hundred Sixty Dollars (\$28,860) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid One Thousand Two Hundred Fourteen Dollars (\$1,214) of the administrative penalty. The remaining amount of Twenty-Seven Thousand Six Hundred Forty-Six Dollars (\$27,646) of the administrative penalty shall be payable in 23 monthly payments of One Thousand Two Hundred Two Dollars (\$1,202) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Twenty-Eight Thousand Eight Hundred Sixty Dollars (\$28,860) as set forth in Section II, Paragraph 9 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of La Coste, Docket No. 2010-1373-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Submit notification of the volume and character of the pollutants entering the wastewater treatment facility, in accordance with TPDES Permit No. WQ0010889001, Monitoring and Reporting Requirements No. 11 to:

Municipal Permit Team
Water Quality Division, MC 148
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - ii. Update the Facility's operational guidance and conduct employee training to ensure that that adequate notification of a change in the volume or character of pollutants discharged into the wastewater treatment facility is provided, in accordance with TPDES Permit No. WQ0010889001, Monitoring and Reporting Requirements No. 11.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. and 2.a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
San Antonio Regional Office
Texas Commission on Environmental Quality
14250 Judson Road
San Antonio, Texas 78233-4480

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the

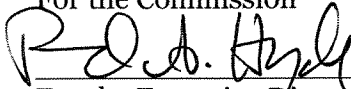
Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

12/2/11
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of City of La Coste. I am authorized to agree to the attached Agreed Order on behalf of City of La Coste, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

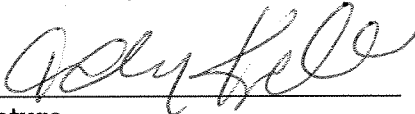
I understand that by entering into this Agreed Order, City of La Coste waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature



Date

October 14, 2011

Name (Printed or typed)

Authorized Representative of
City of La Coste

Title

MAYOR

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.